

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

ROBERT THOMAS MAXWELL/G-DOFFEE
ADC #108778

PLAINTIFF

v. **No. 5:13-cv-291-DPM-JJV**

**RICHARD CLARK,* Sgt., ADC Maximum
Security Unit, and RODERICK COOKSEY, JR.,
Corporal, ADC Maximum Security Unit**

DEFENDANTS

ORDER

1. On *de novo* review, the Court adopts the recommendation, *No 138*, and overrules G-Doffee's objections, *No 141 & 142*. FED. R. CIV. P. 72(b)(3). The parties' motions for summary judgment and partial summary judgment, *No 123 & 126*, are denied.
2. The Court refers this case back to Magistrate Judge Volpe to appoint a lawyer for G-Doffee and handle any other preliminary issue that arises in the next few months. This case is first-out for a jury trial on 6 September 2016. *No 120*. The case will be three years old then and needs to be resolved. Whoever is appointed must be available to try this case on September 6th.

*The Court directs the Clerk to correct the spelling of Defendant Clark's last name on the docket. *No 113 at 12*.

3. These are the issues for trial:

- Excessive force;
- Failure to protect; and
- Retaliatory verbal threats.

Each of these claims arises from the alleged incident on 22 April 2013.

4. The Court will hold a pretrial conference at 1:30 p.m. on Thursday, 18 August 2016. The Court asks Magistrate Judge Volpe to enter any order necessary to ensure G-Doffee's attendance at the pretrial conference.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

8 March 2016